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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Seventh session
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Item 3(a) of the provisional agenda

PROCEDURAL, INSTITUTIONAL AND LEGAL MATTERS

(a) RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES

Note by the secretariat

Article 7, paragraph 2(k) and paragraph 3 of the Convention, from which task C.1 of the INC work plan is derived (see A/AC.237/24, paragraph 44), provide that the Conference of the Parties shall "agree upon and adopt, by consensus, rules of procedure ... for itself and for any subsidiary bodies" and that its rules of procedure and those of the subsidiary bodies established by the Convention shall be adopted "at its first session."

In order to assist the Committee in preparing rules of procedure for adoption by the Conference of the Parties, the secretariat has drawn up a set of draft rules (attached). (Financial rules will be taken up separately, in connection with arrangements for the permanent secretariat.)

These draft rules are derived from the rules of procedure of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal which are the most recent set of rules of procedure for a conference of the parties. They, in turn, are based on precedent, reflecting, most notably, the rules of procedure of the United Nations' General Assembly, the Governing Council of the United Nations Environment Programme, the Vienna Convention for the Protection of the Ozone Layer, and the Montreal Protocol on Substances that Deplete the Ozone Layer. This draft has also taken into consideration the Rules of Procedure of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, when appropriate.

In the present draft, changes to the Basel model have been made in order to reflect the particular needs and the language of the Framework Convention on Climate Change. Additions and amendments are underlined therein; omissions are indicated by empty square brackets. Articles mentioned in this draft correspond to those of the Climate Change Convention.

The draft sets out decision-making procedures for matters not covered in the Convention as provided in Article 7, paragraph 3 (see Rule 41) but does not endeavour to specify which decisions might require specified majorities.

The draft provides that rules of procedure of the Conference of the Parties shall apply *mutatis mutandis* to subsidiary bodies.

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DRAFT RULES OF PROCEDURE

Rules of procedure of the Conference of the Parties to the
United Nations Framework Convention on Climate Change

I. PURPOSES

Rule 1

These rules of procedure shall apply to any session of the Conference of the Parties to the Convention convened in accordance with article 7 of the Convention.

II. DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means the **United Nations Framework Convention on Climate Change, adopted at New York on 9 May 1992 and opened for signature in Rio de Janeiro on 4 June 1992**;

2. "Parties" means Parties to the Convention;

3. "Conference of the Parties to the Convention" means the Conference of the Parties established in accordance with article 7 of the Convention;

4. **"Session" means any ordinary or extraordinary session** of the Conference of the Parties convened in accordance with Article 7 of the Convention.

5. "**Regional** [ ] economic integration organization" means an organization defined in article 1, paragraph 6, of the Convention;

6. "President" means the President elected in accordance with rule 22, paragraph 1, of the present rules of procedure;

7. "Secretariat" means the **permanent secretariat** designated [ ] by the Conference of the Parties to the Convention in accordance with paragraph 3 of article 8 of the Convention;

III. PLACE OF SESSIONS

Rule 3

The **sessions** of the Conference of the Parties shall take place at the seat of the Secretariat, unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

IV. DATES OF SESSIONS

Rule 4

1. Ordinary **sessions** of the Conference of the Parties shall be held every year, unless the **Conference of the Parties** decides otherwise.

2. At each ordinary session, the Conference **of the Parties** shall decide on the date and duration of the next ordinary **session**.

3. Extraordinary **sessions** of the Conference of the Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary **session** convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of a **session** at least two months before the **session is convened**.

V. OBSERVERS

Rule 6

1. **The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers.**[1]

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[1] **See article 7, paragraph 6 of the Convention.**

2. Such observers may, upon invitation of the President, and if there is no objection from at least one third of the Parties present, participate without the right to vote in the proceedings of any **session**.

Rule 7

1. **Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer may be so admitted unless at least one third of the Parties present at the session object.**[2]

2. Such observers may, upon invitation of the President, and if there is no objection from at least one third of the Parties present, participate without the right to vote in the proceedings of any **session** in matters of direct concern to the body or agency they represent.

Rule 8

The Secretariat shall notify the abovementioned entities of any session so that they may be represented by observers.

VI. AGENDA

Rule 9

In agreement with the President, the Secretariat shall prepare the provisional agenda of each **session**.

Rule 10

The provisional agenda of each ordinary **session** shall include, **as appropriate**;

1. **Items arising from the articles of the Convention, including those specified in Article 7 therein**;

2. Items the inclusion of which has been decided at a previous **session**;

3. Items referred to in rule 16 of the present rules of procedure;

4. Any item proposed by a Party **and received by the Secretariat** before the **provisional** agenda is circulated.

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2 **See article 7, paragraph 6 of the Convention**

5. The **proposed** budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 11

The provisional agenda, together with supporting documents, for each ordinary **session** shall be distributed by the Secretariat to the Parties at least **six weeks** before the opening of the **session**.

Rule 12

The Secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the **session** in a supplementary provisional agenda, which the **Conference of the Parties** shall examine together with the provisional agenda.

Rule 13

The **Conference of the Parties** when adopting the agenda may add, delete, defer or amend items. Only items which are considered by the **Conference of the Parties** to be urgent and important may be added to the agenda.

Rule 14

The provisional agenda for an extraordinary **session** shall consist only of those items proposed for consideration in the request for the holding of the extraordinary **session**. It shall be distributed to the Parties at the same time as the invitation to the extraordinary **session**.

Rule 15

The Secretariat shall report to the **Conference of the Parties** on the administrative and financial implications of all substantive agenda items submitted to the **session**, before they are considered by it. Unless the **Conference of the Parties** decides otherwise, no such item shall be considered until at least forty-eight hours after the **Conference of the Parties** has received the Secretariat's report on the administrative and financial implications.

Rule 16

Any item of the agenda of an ordinary **session**, consideration of which has not been completed at the **session**, shall be included automatically in the agenda of the next ordinary **session**, unless otherwise decided by the Conference of the Parties.

VII. REPRESENTATION AND CREDENTIALS

Rule 17

Each Party participating in the **session** shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as **it** may require.

Rule 18

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 19

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the **Secretariat** if possible not later than twenty-four hours after the opening of the **session**. Any later change in the composition of the delegation shall also be submitted to the **Secretariat**. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a **regional** [ ] economic integration organization, by the competent authority of that organization.

Rule 20

The **Bureau** of any **session** shall examine the credentials and submit **its** report to the **session**.

Rule 21

Pending a decision of the **Conference of the Parties** upon their credentials, representatives shall be entitled to participate provisionally in the session.

VIII. OFFICERS

Rule 22

1. At the commencement of the first **meeting** of each ordinary **session**, a President, three Vice-Presidents and a Rapporteur shall be elected from among the representatives of the Parties present at the **session**. They will serve as the Bureau of

the **session**. [ ] **Each of the five regional groups shall be represented by one member**. [3] **The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups**. [ ]

2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary **session** shall remain in office until their successors are elected at the next ordinary **session** and shall serve in that capacity at any intervening extraordinary **sessions**. [ ] One or more of these officers may be re-elected for one further consecutive term.

3. The President shall participate in the **session** in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the President or the Party concerned shall designate another representative who shall be entitled to represent the Party in the **session** and to exercise the right to vote.

Rule 23

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of the **session**, preside at the **meetings** of the **session**, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a **meeting**.

3. The President, in the exercise of his functions, remains under the authority of the Conference of the Parties.

Rule 24

If the President is temporarily absent from **a meeting** or any part thereof, he shall designate a Vice-President to act as President.

Rule 25

If an officer of the Bureau resigns or is otherwise unable to complete his term of office or to perform his functions, a representative of the same Party shall be named by the Party concerned to replace him for the remainder of his mandate.

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3 **See Rule 4 of the INC/FCCC Rules of Procedure.**

Rule 26

At the first **meeting** of each ordinary **session**, the President of the previous ordinary **session**, or in his absence, a Vice-President, shall preside until the meeting has elected a President for the **session**.

IX. SUBSIDIARY BODIES

Rule 27

1. **In addition to the subsidiary bodies established under the Convention, the Conference of the Parties may establish such subsidiary bodies, including committees and working groups, it deems necessary for the implementation of the Convention**.

2. The **Conference of the Parties** may decide that **any** such **subsidiary bodies** may meet in the period between ordinary **sessions**.

3. Unless otherwise decided by the **Conference of the Parties**, the Chairman for each such **subsidiary body** shall be elected by the **Conference of the Parties**. The **Conference of the Parties** shall determine the matters to be considered by each such body and may authorize the President, upon the request of the Chairman of a **subsidiary body**, to adjust the allocation of work.

4. Without prejudice to paragraph 3 of this rule, **each subsidiary body** shall elect its own officers.

5. A majority of the Parties designated by the **Conference of the Parties** to take part in the **subsidiary body** shall constitute a quorum, but in the event of the **subsidiary body** being open-ended, one quarter of the Parties to the Convention shall constitute a quorum.

6. Unless otherwise decided by the **Conference of the Parties** these rules shall apply *mutatis mutandis* to the proceedings of **all subsidiary bodies**, except that:

(a) The Chairman of a **subsidiary body** may exercise the right to vote; and

(b) Decisions of **subsidiary bodies** shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 39.

X. SECRETARIAT

Rule 28

1. The head of the [ ] Secretariat of the Convention shall be the Secretary-General of **the Conference of the Parties**. He, or his representative, shall act in that capacity in all **sessions** of the **Conference of the Parties** and of **subsidiary bodies**.

2. The Secretary-General shall provide and direct the staff required by the **Conference of the Parties** or **subsidiary bodies**.

Rule 29

The Secretariat shall, in accordance with these rules:

(a) Arrange for interpretation at the **session**;

(b) Receive, translate, reproduce and distribute the documents of the **session**;

(c) Publish and circulate the official documents of the **session**;

(d) Make and arrange for keeping of sound recordings of the **session**;

(e) Arrange for the custody and preservation of the documents of the **session** [ ]; and

(f) Generally perform all other work that the **Conference of the Parties** may require in **light of article 8 of the Convention**.

XI. CONDUCT OF BUSINESS

Rule 30

1. **Meetings of the Conference of the Parties** shall be held in **public**, unless the **Conference of the Parties** otherwise decides.

2. **Meetings of the subsidiary bodies shall be held in private unless the Conference of the Parties otherwise decides**.

Rule 31

The President **shall** declare a **meeting** of the **Conference of the Parties** open, permit the debate to proceed and have any decisions taken when representatives of at least two thirds of the Parties **to the Convention** are present.

Rule 32

1. No one may speak at a **meeting of the Conference of the Parties** without having previously obtained the permission of the President. Without prejudice to rules 33, 34, 35 and 37, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The **Conference of the Parties** may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 33

The Chairman or rapporteur of **a subsidiary body** may be accorded precedence for the purpose of explaining the conclusions arrived at by his **subsidiary body**.

Rule 34

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 35

Any motion calling for a decision on the competence of the **Conference of the Parties** to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 36

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any **meeting** unless copies of it have been circulated to delegations not later than the day preceding the **meeting**. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

Rule 37

1. Subject to rule 34, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

(a) To suspend a **meeting**;

(b) To adjourn a **meeting**;

(c) To adjourn the debate on the question under discussion; and

(d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 38

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 39

When a proposal has been adopted or rejected, it may not be reconsidered at the same **session**, unless the **Conference of the Parties**, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

XII. VOTING

Rule 40

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.

2. **Regional** economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties **to the Convention**. Such **an organization** shall not exercise **its** right to vote if any of its member States exercises **its** right, and vice versa.

Rule 41

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, the present rules of procedure, or the financial rules referred to in paragraph 2(k) of Article 7 of the Convention.

2. Decisions of **the Conference of the Parties** on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of **a** procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the **meeting** at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 42

If two or more proposals relate to the same question, the **Conference of the Parties**, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The **Conference of the Parties** may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 43

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. If objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall be put immediately to the vote.

Rule 44

If the motion referred to in rule 43 is adopted, those parts of a proposal or of an amendment to a proposal which are approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

Rule 45

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 46

If two or more amendments are moved to a proposal, the **Conference of the Parties** shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Rule 47

Voting, except for election, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the **session**, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 48

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the **session**.

Rule 49

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

Rule 50

All elections shall be held by secret ballot, unless otherwise decided by the **Conference of the Parties.**

Rule 51

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 52

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. LANGUAGES

Rule 53

1. The official languages of the **Conference of the Parties** shall be Arabic, Chinese, English, French, Russian and Spanish.

2. **The official languages of the subsidiary bodies shall be English, French and Spanish**.

Rule 54

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative may speak in a language other than an official language if he provides for interpretation into one such official language.

Rule 55

Official documents of the **sessions** shall be drawn up in one of the official languages and translated into the other official languages.

XIV. SOUND RECORDS OF THE SESSIONS OF THE CONFERENCE OF THE PARTIES

Rule 56

Sound records of the **sessions of the Conference of the Parties**, and whenever possible of **the subsidiary bodies**, shall be kept by the Secretariat in accordance with the practice of the United Nations.

XV. AMENDMENTS TO RULES OF PROCEDURE

Rule 57

1. These rules of procedure may be amended by consensus by the Conference of the Parties.

2. Paragraph 1 of this rule shall likewise apply in case the Conference of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.

XVI. OVERRIDING AUTHORITY OF THE CONVENTION

Rule 58

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.